

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 26, 2009. At the time of the Office Action, Claims 1-11 were pending in this Application. Claims 1-4 and 8-11 were rejected. Claims 1 and 8 have been amended. Claims 5-7 were previously withdrawn due to an election/restriction requirement. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-4 and 8-11 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,460,779 issued to Friedrich Boecking ("*Boecking*"). Applicant respectfully traverses and submits that *Boecking* does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Amended Claim 1 previously recited:

wherein an area of the cartridge adjacent to the needle seat has a *cylindrically-shaped outer contour* and the needle has a cylindrically-shaped area adjacent to the seat area, and wherein the area of the cartridge adjacent to the needle seat and the cylindrically-shaped area have the *same diameter*.

The Examiner allege that the surface of the *inner walls* of the *Boecking*'s valve seat body 21 could be equated with the "outer contour" of the cartridge recited in Claim 1. Although Applicant disagrees with this interpretation, Applicant has amended this portion of Claim 1 to more explicitly state that the "outer contour" of the cartridge is the contour of the *outer diameter*, not the *inner diameter*. Thus, amended Claim 1 now recites:

wherein an area of the cartridge adjacent to the needle seat has an *inner diameter contour* and a cylindrically-shaped *outer diameter contour*, and the needle has a cylindrically-shaped area adjacent to the seat area, and wherein the *outer diameter contour* of the cartridge adjacent to the needle seat and the cylindrically-shaped area of the needle have the same *outer diameter*.

In view of these amendments, the inner wall surface of the *Boecking*'s valve seat body 21 clearly cannot be equated with the "outer diameter contour" of the cartridge. First, the surface of an inner wall cannot reasonably be equated with an "outer diameter contour," particularly when the claim distinguishes the outer diameter contour of the cartridge from an inner diameter contour of the cartridge. Further, the inner wall surface of the *Boecking*'s valve seat body 21 cannot be said to have an "outer diameter."

For at least these reasons, Applicant respectfully submits that amended Claim 1 is allowable over *Boecking*. Therefore, Applicant respectfully requests reconsideration and allowance of amended Claim 1, as well as Claims 2-4 that depend from Claim 1. In addition, for analogous reasons, Applicant respectfully requests reconsideration and allowance of amended independent Claim 8, as well as Claims 9-11 that depend from Claim 8.

CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.457.2030.

Respectfully submitted,
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